

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
Norfolk/Newport News DivisionSENTENCING MINUTESSet: 9:00 a.m.
Started: 9:00 a.m.
Ended: 9:25 a.m.Date: February 17, 2017
Judge: Arenda Wright Allen
Court Reporter: Heidi Jeffreys
U.S. Attorney: Stephen Haynie
Defense Counsel: Barry Koch
Courtroom Deputy: Lorraine Howard
Probation Officer: Carmen PerezCase No. 2:16cr63
Defendant: Susan M. Spearman() in custody () on bondX Came on for disposition. X Defendant sworn.X Court finds defendant GUILTY as to Count 1 after a plea before a USMJ.X Government X Sealed motion.
X Granted. Denied.X Defendant X motion for downward departure.
 Granted. X Denied.X Presentence Report reviewed. Objections heard and rulings made.X Court adopts PSR for the purpose of establishing the advisory guidelines.X Evidence presented. (Witness listed on last page)X Arguments of counsel heard. X Statement of defendant heard.PROBATION:X The defendant shall be placed on probation for a term of 1 year.

SUPERVISED RELEASE:

 Upon release from imprisonment, the defendant shall be on supervised release for a term of years. This term consists of years on count , a term of years on count , and a term of years on count , all to run concurrently.

 The Court will not impose a term of supervised release as it is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.

Standard Conditions of Probation:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

 The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of commencement on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.

X As reflected in the presentence report, the defendant presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

 It shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

Special Conditions of Probation:

X The defendant shall participate in a program approved by the United States Probation Office for mental health treatment if needed. The cost of this program is to be paid by the defendant as directed by the probation officer.

X The defendant shall waive all rights of confidentiality regarding mental health treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

FINANCIAL PENALTIES

SPECIAL ASSESSMENT:

As to count 1, the defendant shall pay a special assessment in the amount of \$100.00.

As to count , the defendant shall pay a special assessment in the amount of .

As to count , the defendant shall pay a special assessment in the amount of .

As to count , the defendant shall pay a special assessment in the amount of .

The total special assessment due is \$100.00 and shall be due in full immediately.

FINE:

Court finds defendant is unable to pay fine.

The defendant shall pay a fine in the amount of \$_____.

RESTITUTION:

The defendant shall make restitution in the amount of \$ TBD.

Restitution Judgment Order, entered and filed in open court.

Order deferring determination of restitution entered and filed in open court.

SCHEDULE OF PAYMENTS:

Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

The special assessment is due and payable immediately. Any balance remaining unpaid on the special assessment at the inception of probation, shall be paid by the defendant in installments of not less than \$100.00 per month, until paid in full. Said payments shall commence 60 days after defendant probation begins.

At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

Each restitution payment shall be divided proportionately among the payees named.

Restitution shall be made jointly and severally with _____

Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

Nothing in the Court's order shall prohibit the collection of any judgment the United States.

Since this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

The defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

The defendant notified of right of appeal.

Court noted that defendant waived right of appeal in plea agreement.

On motion of government, remaining counts dismissed.

The defendant is continued on present bond and cautioned re bail jumping.

Court recommends incarceration at

a facility as close to the Tidewater Virginia area as possible.

a facility with a Residential Drug Abuse Program (RDAP) when and if defendant qualifies.

Consent Order of Forfeiture, executed and filed in open court.

Additional Counts/Comments:

WITNESS LIST:

D-1: Susan Spearman
